

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CONSTANTIN OCHESCU, *et al.*,

Defendants.

Case No. 2:15-cv-02424-APG-GWF

**ORDER**

This matter is before the Court on the Government's Motion to Extend the Time for Service and to Permit Service by Publication (#11), filed on March 9, 2016.

Pursuant to Fed. R. Civ. P. 4(e), the state statutes in which the District Court is held are followed in matters pertaining to service of summons by publication. N.R.C.P. 4(e)(1)(i) states that the court may permit service by publication if, after due diligence shown, the plaintiff is unable to find the defendant(s) within the state, or they are avoiding the service of summons. The plaintiff must prove this to the satisfaction of the court either by affidavit or by a verified complaint. The Nevada Supreme Court has held that there is no objective, formulaic standard for determining what is, or is not, due diligence. *Abreu v. Gilmer*, 985 P.2d 746, 749 (1999). N.R.C.P. 4(e)(1)(ii) further states that service by publication is valid for "any action which relates to, or the subject of which is, real or personal property."

The Government asserts that it has shown due diligence by making six (6) separate attempts at effectuating personal service on Defendants Constantin Ochescu and Liliana Cosma at their last known physical address: 8064 Cetus Circle, Las Vegas, NV 89128. Further, the Government represents that it has attempted to contact Defendants Ochescu and Cosma on January 29, 2016 and again on February 29, 2016 by mailing them a letter containing a copy of the Complaint, along with

1 an opportunity to waive service. However, Defendants have not accepted delivery of the letters. As  
2 such, the Court finds that the Government has demonstrated due diligence in attempting service on  
3 Defendants Constantin Ochescu and Liliana Cosma that would warrant permitting service by  
4 publication. Moreover, this action relates to the foreclosure of real property to satisfy a judgment.  
5 Accordingly,

6 **IT IS HEREBY ORDERED** that the Government's Motion to Extend the Time for Service  
7 and to Permit Service by Publication (#11) is **granted**. Defendants Constantin Ochescu and Liliana  
8 Cosma may be served by Plaintiff through publication of the summons and complaint in this case at  
9 least once a week for four (4) consecutive weeks in the Nevada Legal News, which is a newspaper  
10 of general circulation published in Las Vegas, Nevada.

11 **IT IS FURTHER ORDERED** that Plaintiff shall have until **May 16, 2016**, to complete  
12 service upon Defendants Constantin Ochescu and Liliana Cosma.

13 DATED this 14th day of March, 2016.

14  
15   
16 GEORGE FOLEY JR.  
17 United States Magistrate Judge  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28